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10/639,070	08/12/2003	Steven E. Riedl	61575.1030	6931
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EXAMINER BANTAMOL, ANTHONY				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/639,070

**Applicant(s)**

RIEDL, STEVEN E.

**Examiner**

ANTHONY BANTAMOI

**Art Unit**

2423

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 April 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13, 15-22, 28, 29, 31-42, 44-49, 60-64 and 66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-22, 28, 29, 31-42, 44-49, 60-64 and 66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments filed 04/19/2011 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitation "the signal for the delivery of the programming content" in ll. 5-6 of the currently amended claim 1. There is insufficient antecedent basis for this limitation in the claim. For the purpose of rejection the signal will be treated as a signal.
3. Claim 28, recites the element "mechanism for providing, to the at least one group, the at least one programming segment in lieu of at least a portion of the selected programming content during the event" is a means (or step) plus function limitation that invokes 35 U.S.C. 112, sixth paragraph. However, the written description fails to clearly link or associate the disclosed structure, material, or acts to the claimed function such that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function. Applicant's specification for example [Para. 0007] fails to point to any structure or manner in which the programs are substituted in place of the other programs during an event.

Applicant is required to:

(a) Amend the claim so that the claim limitation will no longer be a means (or step) plus function limitation under 35 U.S.C. 112, sixth paragraph; or

(b) Amend the written description of the specification such that it clearly links or associates the corresponding structure, material, or acts to the claimed function without introducing any new matter (35 U.S.C. 132(a)); or

(c) State on the record where the corresponding structure, material, or acts are set forth in the written description of the specification that perform the claimed function. For more information, see 37 CFR 1.75(d) and MPEP §§ 608.01(o) and 2181.

4. Claim 60, recites the element "mechanism for providing, over the allocated one or more transmission channels, the at least one advertisement data stream which contains one or more advertisements targeted at the selected group of the plurality of users, in lieu of providing the advertising segment within the programming content" is a means (or step) plus function limitation that invokes 35 U.S.C. 112, sixth paragraph. However, the written description fails to clearly link or associate the disclosed structure, material, or acts to the claimed function such that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function. Applicant's specification for example [Para. 0007] fails to point to any structure or manner in which the programs are substituted in place of the advertising segment within the programming content.

Applicant is required to:

(a) Amend the claim so that the claim limitation will no longer be a means (or step) plus function limitation under 35 U.S.C. 112, sixth paragraph; or

(b) Amend the written description of the specification such that it clearly links or associates the corresponding structure, material, or acts to the claimed function without introducing any new matter (35 U.S.C. 132(a)); or

(c) State on the record where the corresponding structure, material, or acts are set forth in the written description of the specification that perform the claimed function. For more information, see 37 CFR 1.75(d) and MPEP §§ 608.01(o) and 2181.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13, 15-22, 36-42, 44-49, 60-64, 66, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks (of record), in view of US Patent Publication 2002/0087975 to Schlack (Schlack).

Regarding claim 1, Hendricks teaches a method for delivery of programming content to a plurality of user terminals over a communications network (Abstract, ll. 1-3), comprising:

detecting an indicator indicative of an event present within the signal for the delivery of the programming content (col. 30, ll. 2-4 (the spot placement engine receives information about program break (event) wherein the received information about the program break meets “an indicator indicative of an event” because the information tells the spot placement engine the available open pods of a program break see col. 31, ll.

28-30)); obtaining data descriptive of at least one group of members of the list (col. 71, ll. 3-10 (grouping information is data descriptive of the member or members of the group in the group map tables or list)); generating substantially in real time at least one programming segment based at least on the data (Abstract, ll. 9-15, & col. 72, ll. 40-45); and providing, to the at least one group, the at least one programming segment in lieu of at least a portion of the programming content during the event (col. 26, ll. 15-24, & 36-41). In addition Hendricks teaches utilization of the group assignment matrix at terminals to determine which of the feeder channels to tune to among the plurality of feeder channels in order to receive alternate targeted advertisements in place of initially scheduled default advertisements during an advertisement break [col. 71, ll. 57-67-col. 72, ll. 51] but Hendricks is silent on in response to a detection of the indicator, generating a list of individual ones of the plurality of user terminals receiving the programming content.

In the similar field of endeavor Schlack teaches targeted advertising wherein plurality of streams carrying the same programming content are injected with different advertisement contents wherein there is a cue detection and upon detection MAC ID 's are used to identify market segments in order to insert the appropriate advertisement for the market segment currently receiving the programming content (Para. 0073, ll. 1-8; Para. 0066-0068; Para. 0061, ll. 1-15; Para. 0042, ll. 1-20; figure 5) which meets "in response to a detection of an indicator, generating a list of the individual ones of the plurality of user terminals currently receiving the programming content".

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Hendricks to include in response to a detection of an indicator, generating a list of the individual ones of the plurality of user terminals currently receiving the programming content as taught by Schlack in order to better target the advertisements wherein viewers on the same channel can view different advertisements by targeting their individual devices.

Regarding claims 2, 11, 29, 38, 61, Hendricks teaches a commercial break and channel switching architecture (col. 26, ll. 15-41), but Hendricks is silent on the method wherein the indicator contains a message which includes the start and end of event.

Schlack teaches a method wherein the indicator contains a message which includes the start and end of event (Para. 0047).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Hendricks to include a method wherein the indicator contains a message which includes the start and end of event as taught by Schlack in order to better target the advertisements wherein viewers on the same channel can view different advertisements by targeting their individual devices.

Regarding claims 5, 12, 39, 62, Hendricks teaches a commercial break and channel switching architecture (col. 26, ll. 15-41), but Hendricks is silent on the method wherein the indicator includes a digital program insertion (DPI) cue.

Schlack teaches a method wherein the indicator includes a digital program insertion (DPI) cue (figure 5, cue tones).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Hendricks to include a method wherein the indicator includes a digital program insertion (DPI) cue as taught by Schlack in order to better target the advertisements wherein viewers on the same channel can view different advertisements by targeting their individual devices..

Regarding claim 3, Hendricks teaches the method further comprising identifying available transmission channel in the network and transmitting at least one programming segment over at least one available transmission channel (col. 31, ll. 28-30, & col. 31, ll. 33-41).

Regarding claim 4, Hendricks teaches the method wherein the event includes an advertisement break (col. 31, ll. 28-30).

Regarding claim 6, Hendricks teaches the method wherein at least one programming segment comprises one or more advertisements (col. 31, ll. 36-41).

Regarding claims 7, 21, 63 Hendricks teaches the method wherein the network includes a two-way multi-channel delivery network (figure 4e (the collection engine (327) collects set-top box data via upstream)).

Regarding claim 8, Hendricks teaches the method wherein the network includes a cable TV network (figure 1, label 208 (Hendricks teaches a cable headend)).

Regarding claim 9, Hendricks teaches a method for delivering a program stream containing programming material over a communications network to a plurality of user terminals (Abstract), comprising:



detecting, in the program stream, a message indicating a scheduled programming segment (col. 30, ll. 2-4 (the spot placement engine receives information about program break (event) wherein the received information about the program break meets "an indicator" because the information tells the spot placement engine the available open pods of a program break see col. 31, ll. 28-30); Hendricks teaches a spot placement engine for determining which advertisements should occupy the pods during the broadcast programs based on the received information (col. 31, ll. 33-41) which meets "in response to a detection of the indicator, generating at least one programming segment"); Hendricks teaches obtaining data descriptive of at least one group of members of a group (col. 27, ll. 1-6).

In addition Hendricks teaches directing at least one user terminal in a selected one of the one or more groups to tune from a first transmission channel to a second transmission channel at the start of the scheduled programming segment; transmitting at least one of the data streams over the second transmission channel; and directing the at least one user terminal in the selected one of the groups to re-tune to the first transmission channel at the end of the scheduled programming segment (col. 26, ll. 36-41, & col. 28, ll. 9-16 (the STB will inherently tune back to the main channel to continue programming except if over ridden by user)); one or more data streams containing one or more alternate programming segments for substituting the scheduled programming segment (col. 26, ll. 36-41, & Abstract).

Hendricks is silent on in response to a detection of the message, identifying a set of user terminals currently receiving the program stream; identifying one or more groups

of user terminals within the set of user terminals currently receiving the program stream; generating, subsequent to and based at least in part on identifying one or more groups of user terminals within the set of user terminals currently receiving the program stream.

In the similar field of endeavor Schlack teaches in response to a detection of the message, identifying a set of user terminals currently receiving the program stream; identifying one or more groups of user terminals within the set of user terminals currently receiving the program stream; generating, subsequent to and based at least in part on identifying one or more groups of user terminals within the set of user terminals currently receiving the program stream (Para. 0073, ll. 1-8; Para. 0066-0068; Para. 0061, ll. 1-15; Para. 0042, ll. 1-20; figure 5).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Hendricks to include response to a detection of the message, identifying a set of user terminals currently receiving the program stream; identifying one or more groups of user terminals within the set of user terminals currently receiving the program stream; generating, subsequent to and based at least in part on identifying one or more groups of user terminals within the set of user terminals currently receiving the program stream as taught by Schlack in order to better target the advertisements wherein viewers on the same channel can view different advertisements by targeting their individual devices.

Regarding claim 10, Hendricks teaches the method wherein the scheduled programming segment comprises one or more advertisements (col. 31, ll. 33-41).

Regarding claim 13, Hendricks teaches the method wherein at least one of the alternate programming segments comprises one or more advertisements (col. 26, ll. 18-24).

Regarding claim 15, Hendricks teaches where in the one or more groups are identified by analyzing demographic data associated within the user terminal set (col. 26, ll. 60-63).

Regarding claim 16, Hendricks teaches the method, wherein the one or more groups are identified as a function of at least the number of available transmission channels in the network (col. 29, ll. 67, & col. 30, ll. 1-4).

Regarding claim 17, Hendricks teaches the method wherein the one or more groups are identified also as a function of the number of additional scheduled programming expected to occur concurrently within the scheduled programming segment (col. 29, ll. 67, & col. 30, ll. 1).

Regarding claim 18, Hendricks teaches the method wherein the one or more groups are identified also as a function of the additional programming streams expected to be delivered concurrently within the programming stream during the scheduled programming segment (col. 29, ll. 67, & col. 30, ll. 1).

Regarding claim 19, Hendricks teaches the method wherein the additional program streams utilize a subset of the available transmission channels (col. 29, ll. 67, & col. 30, ll. 1-4).

Regarding claim 20, Hendricks teaches the method further comprising determining a subset of the available transmission channels for carrying the one or more data streams (col. 29, ll. 67, & col. 30, ll. 1-4).

Regarding claim 60, Hendricks and Schlack teaches every limitation as in claim 28. In addition Hendricks teaches wherein said one or more advertisements are not present within the programming schedule prior to said detecting (col. 27, ll. 32-38); wherein the available transmission channels comprise transmission channels which are allocated using switched broadcast techniques (Hendricks col. 26, ll. 15-41); and wherein, based at least in part on current requests for the programming content (col. 15, ll. 56-59, col. 27, ll. 39-41), a second at least one advertisement data stream is provided in lieu of the advertising segment within the programming content, the second at least one advertisement data stream containing alternative advertisements targeted at a second selected group of the plurality of users (col. 26, ll. 15-24, & 36-41, col. 26, ll. 54-55, col. 27, ll. 6 (the terminals which stay are in one group and those for which the alternate advertisement are required will switch to the appropriate feeder channel to receive the alternate advertisement according to their switching plans)).

Regarding claim 36, Hendricks teaches a system for delivering a program stream containing programming material over a communications network to a plurality of user terminals (figure 1, entire), comprising:

a module for dynamically assigning transmission channels (figure 4c, label 305);  
a detector for detecting, in the program stream, a message indicating a scheduled programming segment (figure 4c, label 307, & col. 30, ll. 2-4 (the spot placement engine

receives information about program break (event) wherein the received information about the program break)); Hendricks teaches a spot placement engine for determining which advertisements should occupy the pods during the broadcast programs based on the received information (col. 31, ll. 33-41) which meets "a processing unit responsive to a detection of the message, responsive to a detection of the indicator, generating at least one programming segment"); and grouping said identified set of one or more terminals into one or more groups based on at least one characteristic, the at least one characteristic comprising a function of at least the number of available transmission channels in the network (figure 4c, label 309, col. 26, ll. 60-63, & col. 27, ll. 1-6); a server (figure 4c, label 275) for generating one or more data streams containing one or more alternate programming segments for substituting the scheduled programming segment within the program stream said alternate programming segment not being present in the programming schedule prior to said detecting (col. 31, ll. 28-30, & 33-36); and a mechanism for providing at least one of the data streams over a dynamically assigned transmission channel to a selected one of the groups (col. 26, ll. 60-63, col. 30, ll. 1-64, & Abstract).

Hendricks is silent on a processing unit responsive to a detection of the message, for identifying a set of one or more user terminals which is currently receiving the program stream.

In the similar field of endeavor Schlack teaches a processing unit responsive to a detection of the message, for identifying a set of one or more user terminals which is

currently receiving the program stream (Para. 0073, ll. 1-8; Para. 0066-0068; Para. 0061, ll. 1-15; Para. 0042, ll. 1-20; figure 5).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hendricks to include a processing unit responsive to a detection of the message, for identifying a set of one or more user terminals which is currently receiving the program stream as taught by Schlack in order to better target the advertisements wherein viewers on the same channel can view different advertisements by targeting their individual devices.

Regarding claim 37, Hendricks teaches the system wherein the scheduled programming segment comprises one or more advertisements (col. 26, ll. 18-24).

Regarding claim 40, Hendricks teaches the system wherein at least one of the alternate programming segments comprises one or more advertisements (Abstract).

Regarding claim 41, Hendricks teaches directing at least one user terminal in the selected group to tune from a first transmission channel at the start of the scheduled programming segment; transmitting the at least one data stream over the second transmission channel; and directing the at least one user terminal in the selected group to re-tune to the first transmission channel at the end of the scheduled programming segment (col. 26, ll. 36-41, & col. 28, ll. 9-16 (the STB will inherently tune back to the main channel to continue programming except if over ridden by user)).

Regarding claim 42, Hendricks teaches the system wherein the one or more groups are identified by analyzing demographic data associated with the user terminal set (col. 26, ll. 60-63).

Regarding claim 44, Hendricks teaches the method wherein the one or more groups are identified also as a function of the number of additional scheduled programming expected to occur concurrently within the scheduled programming segment (col. 30, ll. 1-4).

Regarding claim 45, Hendricks teaches silent about the method wherein the one or more groups are identified also as a function of the additional programming streams expected to be delivered concurrently within the programming stream during the scheduled programming segment (col. 30, ll. 1-4).

Regarding claim 46, Hendricks teaches the method wherein the additional program streams utilize a subset of the available transmission channels (col. 30, ll. 1-4).

Regarding claim 47, Hendricks teaches the method further comprising determining a subset of the available transmission channels for carrying the one or more data streams (col. 30, ll. 1-4).

Regarding claim 66, Hendricks teaches the method, wherein said programming content comprises advertising and non-advertising content (col. 27, ll. 20-22).

Regarding claim 67, Hendricks teaches the method, wherein said at least one similar characteristic comprises a similar demographic (col. 26, ll. 60-63).

Regarding claim 70, Hendricks teaches the method, further comprising: identifying available transmission channels in the network; and transmitting the at least one programming segment over at least one of the available transmission channels (Abstract).

**Claims 28-29, 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks, in view of Schlack, in view of US Patent Publication 2003/0056217 to Brooks (Brooks).**

Regarding claim 28, Hendricks teaches a system for delivering programming content over a communications network (figure 1, entire), comprising:

a detector (figure 4c, label 307) for detecting an indicator indicative of an event in the delivery of selected programming content (col. 30, ll. 2-4 (the spot placement engine receives information about program break (event) wherein the received information about the program break meets “an indicator” because the information tells the spot placement engine the available open pods of a program break see col. 31, ll. 28-30); a server for generating at least one programming segment based at least on the data (Abstract, ll. 9-15, col. 0071, ll. 40-45) and a mechanism for providing, to the at least one group, the at least one programming segment in lieu of at least a portion of the selected programming content during the event (col. 26, ll. 36-41, & Abstract); a processing unit (figure 4c), responsive to a detection of the indicator, for generating a list of an audience currently receiving the selected programming content (Abstract, ll. 9-15, col. 0071, ll. 40-45, data being obtained which is descriptive of at least one group of members of the audience (col. 0071, ll. 3-10 (group information meets data descriptive of the members of the group in a group map table)), in part but Hendricks is silent on generating the list, in response to the detection of the indicator during the delivery of the selected programming content; wherein at least one of a plurality of transmission channels is utilized for the delivery of only the selected programming content, the



plurality of transmission channels not being utilized for delivery of programming content which has not been selected by at least one user; and wherein at least one of remaining ones of the plurality of transmission channels are utilized for the delivery of the at least one programming segment.

In the similar field of endeavor Schlack teaches in response to a detection of an indicator, generating a list of the individual ones of the plurality of user terminals currently receiving the programming content (Para. 0073, ll. 1-8; Para. 0066-0068; Para. 0061, ll. 1-15; Para. 0042, ll. 1-20; figure 5).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hendricks to include in response to a detection of an indicator, generating a list of the individual ones of the plurality of user terminals currently receiving the programming content as taught by Schlack in order to better target the advertisements wherein viewers on the same channel can view different advertisements by targeting their individual devices.

Hendricks teaches feeder channel management or assignment (col. 26, ll. 42-51), but Hendricks and Schlack are silent on wherein at least one of a plurality of transmission channels is utilized for the delivery of only the selected programming content, the plurality of transmission channels not being utilized for delivery of programming content which has not been selected by at least one user; and wherein at least one of remaining ones of the plurality of transmission channels are utilized for the delivery of the at least one programming segment.

Brooks teaches wherein at least one of a plurality of transmission channels is utilized for the delivery of only the selected programming content, the plurality of transmission channels not being utilized for delivery of programming content which has not been selected by at least one user; and wherein at least one of remaining ones of the plurality of transmission channels are utilized for the delivery of the at least one programming segment (Para. 0005, ll. 1-24, Par. 0028, ll. 1-47, figure 6).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hendricks and Schlack to include channel assignment to carry only selected programs based upon user requests as taught Brooks in order optimize the utilization of transmission bandwidth, wherein only selected channels are modulated and transmitted, thereby effectively conserving the network bandwidth.

Regarding claim 29, Hendricks teaches a commercial break and channel switching architecture (col. 26, ll. 15-41), but Hendricks and Brooks are silent on the method wherein the indicator contains a message which includes the start and end of event.

Schlack teaches a method wherein the indicator contains a message which includes the start and end of event (Para. 0047).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hendricks to include a method wherein the indicator contains a message which includes the start and end of event as taught by

Schlack in order to better target the advertisements wherein viewers on the same channel can view different advertisements by targeting their individual devices.

Regarding claim 31 Hendricks teaches a commercial break and channel switching architecture (col. 26, ll. 15-41), but Hendricks and Brooks are silent on the method wherein the indicator includes a digital program insertion (DPI) cue.

Schlack teaches a method wherein the indicator includes a digital program insertion (DPI) cue (figure 5, cue tones).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hendricks to include a method wherein the indicator includes a digital program insertion (DPI) cue as taught by Schlack in order to better target the advertisements wherein viewers on the same channel can view different advertisements by targeting their individual devices.

Regarding claim 33, Hendricks teaches the system wherein at least one programming segment comprises one or more advertisements (col. 31, ll. 36-41).

Regarding claim 34, Hendricks teaches the method wherein the network includes a two-way multi-channel delivery network (figure 4e (the collection engine (327) collects set-top box data via upstream)).

Regarding claim 8, Hendricks teaches the system wherein the network includes a cable TV network (figure 1, label 208 (Hendricks teaches a cable headend)).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY BANTAMOI whose telephone number is (571)270-3581. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)2727296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ANTHONY BANTAMOI/  
Examiner, Art Unit 2423

/Andrew Y Koenig/  
Supervisory Patent Examiner, Art Unit 2423